

MINUTES
PAGE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING
DECEMBER 15, 2009

Members Present: Tommy R. LaFrance, Chairman, At Large
Charlie Hoke, District 1
Larry Sours, District 2
J. D. Cave, District 3
Gerald Cubbage, District 4
Carol Lee Fischer-Strickler, District 5

Staff Present: Dr. Thomas Cardman, County Administrator
Kevin Henry, Director of Planning
Michelle Somers, Zoning Administrator
Sheriff John Thomas
Charlie Campbell, Commissioner of the Revenue
Regina Miller, Executive Secretary

Media & Others Present: Robert Griffith, Supervisor-Elect, District 1
Jeff Vaughan, Supervisor-Elect, District 5
Johnny Woodward, Chairman, At-Large-Elect
Luther Johnson, *Page News & Courier*
30 Citizens

Call to Order:

Chairman Tommy LaFrance called to order the regular meeting of the Page County Board of Supervisors on December 15, 2009 at 7:00 p.m. in the General District Court Room, noting a quorum was present. This was followed by a Moment of Silence and the *Pledge of Allegiance*.

Adoption of the Agenda:

Motion:

Supervisor Cubbage moved to adopt the agenda. Supervisor Sours seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cubbage, Strickler, LaFrance.

PUBLIC HEARINGS

Special Use Permit – Burner's Organic Recycling:

Chairman LaFrance opened the public hearing on the special use permit request for Burner's Organic Recycling at 7:04 p.m. Kevin Henry, County Planner, read the public hearing notice as follows:

* * * * *

NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS

SPECIAL USE PERMIT REQUEST

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on December 15, 2009, in the General District Court Room, South Court Street, Suite B, Luray, VA, to receive public comments and to consider the following special use permit request by:

Burner's Organic Recycling, who propose to operate on two parcels of land located at 862 Dairy Dr., more particularly about 5 miles south of the Town of Luray, VA, and is further identified by tax map numbers 61-A-1 & 24. The applicant is requesting a special use permit for a commercial chipping mill, and that it be granted, as provided in Section 125-10D(11) of the Page County Zoning Ordinance on the above-referenced property.

* * * * *

Mr. Henry reported that no new construction exists with this application. Although, future plans exist for one storage building. He said that the applicant agreed to limit the employees to 10 and all the grinding will take place at the existing compost shed. The Health Department and Building Official have no objections to the permit. However, the Virginia Department of Transportation (VDOT) objects to the permit because the applicant cannot meet the site distance in either direction for Dairy Drive, which is the main entrance to the property. The existing entrance on Dairy Drive also does not meet commercial standards. The applicant has attempted to address the issue by removing two of the trees and asking VDOT to lower the speed limit in the area from 55 mph to 45 mph. VDOT conducted a speed study on Leaksville Road and has determined not to lower the speed limit within this area. Mr. Henry stated that the proposed commercial chipping mill will have a minimal land use impact on the surrounding area and the greatest impact is the unsafe entrance at Dairy Drive. The proposed business appears to be the kind of business the County is trying to promote; however staff cannot recommend the permit for approval due to the safety issues that exist at Dairy Drive and Leaksville Road. He cited that the Planning Commission was reluctant to recommend approval of the business operation that could create a safety hazard. The Commission has attempted to address this issue through condition #9 in the special use permit. The Commission's #9 states "The applicant shall install a VDOT specified standard commercial entrance within one year based upon a 45 mph speed." He explained that the issue with this is that VDOT will not review that entrance nor approve it because it does not meet their standards for 55 mph. Also, there is no other way to enforce this condition. To the contrary, staff recommended #9 as follows: "If the speed limit or operating speed limit that encompasses the area of the driveway lowers to 45 mph then the permit holder shall have two (2) years to construct a commercial entrance." He said this condition makes more sense from an enforcement standpoint. Mr. Henry noted that the Commission placed their condition on their unanimous approval and recommended the Board request VDOT to lower the speed limit to 45 mph.

Supervisor Cubbage remarked that several of the proposed conditions "handcuffs" the

applicant. He also stated that he specifically asked VDOT to lower the speed limit on Leaksville Road to 45 mph and while they conducted the speed study, they were reluctant to lower the speed limit.

Public Comments~

There were no speakers during the hearing.

Supervisor Cave asked Mr. Burner if he agreed with the proposed conditions on the special use permit.

Mr. Burner, applicant, mentioned that if VDOT were to lower the speed limit to 45 mph he would have no problem with constructing a commercial entrance. However, he expressed concern with the size of the building as proposed at 5,000 square feet and felt if he constructs a building and it meets the building and zoning requirements it should not matter how large it is. He also was concerned with a limitation of 10 employees. If his company grows he did not think it should matter how many employees he has.

Chairman LaFrance closed the public hearing at 7:22 p.m.

Motion:

Supervisor Cabbage moved to amend the special use permit for Burner's Organic Recycling to omit conditions #5, #8, and #9. Supervisor Cave seconded.

Supervisor Sours asked Mr. Henry about the affect this could have on other chipping mills previously approved by the Board if these conditions are omitted. Mr. Henry replied that each special use permit or rezoning stands on its own merit. If the Board wanted to limit one business and make exceptions to others it should be unique to the circumstances, but we do consistently have a limit on the number of employees because the Health Department reviews this when considering sewage facilities. Also, the size of the structure should be limited to a degree because of the traffic issue.

Chairman LaFrance indicated that the Board should request VDOT to change the speed limit in this area to 45 mph.

Amended Motion:

Supervisor Cabbage amended the motion to amend the special use permit to omit #5 and #8 from the permit conditions. Supervisor Cave seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

(Clerk's Note: In the recommendation from the Planning Commission, Condition #5 read as follows: One storage building is permitted that is associated with the operation. The storage building shall be no larger than 5,000 square feet. Condition #8 read as follows: The business is permitted ten (10) employees, including truck drivers, on site at any one time. These conditions were deleted from the approved permit.)

Motion:

Supervisor Cabbage moved to approved special use permit for Burner's Organic Recycling, as amended. Supervisor Cave seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

* * * * *

Special Use Permit – Burner's Organic Recycling
Tax Map #61-A-1 & 24

1. This special use permit is transferable and shall meet all requirements within the Page County Zoning Ordinance as well as any ordinance amendments for the period set forth within the parameters of this special use permit. The special use permit shall remain with the property for a period of thirty (30) years.
2. The business shall be in compliance with all County and State agency regulations.
3. Any change of use or expansion will require a new special use permit.
4. Storage of all pre-chipped wood-related products shall be restricted to be kept within 1000 feet of the compost shed as identified on the applicant's sketch. All chipping and grinding shall also be restricted to take place within 1000 feet of the compost shed. These same requirements shall be transferred to the proposed storage building at such time that it is completed.
5. All other structures on the property shall not be used for storage of wood-related products.
6. The existing wooded areas within 100 feet of the boundaries of the property shall remain intact.
7. If the speed limit or operating speed (VDOT classification) that encompasses the area of the driveway on Leaksville Road lowers to 45 mph than the permit holder shall have two (2) years to construct a commercial entranceway.
8. This special use permit may be revoked upon material non-compliance with the terms of the permit or upon violation of any other relevant terms of the Zoning Ordinance of the County of Page, Virginia. However, prior to the commencement of any action to revoke this permit, the County shall notify the permit holder in writing of the material non-compliance or violation and the permit holder shall have thirty (30) days thereafter to cure the material non-compliance or violation. The notice shall be deemed given when hand delivered to the permit holders or when mailed by certified mail, return receipt requested, to the permit holders.

9. The Zoning Administrator or their designated representative may visit the site at any time to ensure compliance with the special use permit conditions.

* * * * *

Festivals Ordinance Amendment:

EXHIBIT A

Chairman LaFrance opened the public hearing on the Festivals Ordinance amendment at 7:29 p.m. Michelle Somers, Zoning Administrator, read the public hearing notice as follows:

* * * * *

**NOTICE OF PUBLIC HEARING
PAGE COUNTY BOARD OF SUPERVISORS
FESTIVALS ORDINANCE AMENDMENT**

NOTICE is hereby given pursuant to Section 15.2-2204 of the Code of Virginia, as amended that the PAGE COUNTY BOARD OF SUPERVISORS shall hold a public hearing at 7:00 p.m. on December 15, 2009, in the General District Court Room, South Court Street, Suite B, Luray, VA, to receive public comments and to consider the following:

Amendments to Section 55-1, 55-2, 55-3 & 55-4 of the Page County Festivals Ordinance

* * * * *

Mrs. Somers outlined that, currently, the Festival Ordinance only specifically addresses events related strictly to musical renditions. Amending the ordinance would allow for a broader range of activities and functions that may be a one time event or a once a year event by obtaining a special entertainment permit, which would need to be approved by the Board. She noted that the Planning Commission recommended approval of the amendments to the ordinance. She also requested the Board consider adopting an application fee of \$25.

After discussion, several Board members expressed concern with imposing a \$25 application fee and felt that little review of the application is required by the County staff.

Motion:

Supervisor Strickler moved to approve the Festivals Ordinance amendment. Supervisor Sours seconded. The motion carried by a roll call vote of 4-2; aye: Hoke, Sours, Strickler, LaFrance; nay: Cave, Cubbage.

Motion:

Supervisor Sours moved to set a \$10 application fee for special entertainment permits. There was no second to the motion. The motion failed by a vote of 4-2; aye: Sours,

Strickler; nay: Hoke, Cave, Cubbage, LaFrance.

PUBLIC COMMENTS ON ACTION ITEMS

There were no speakers during Public Comments on Action Items.

ACTION MATTERS

Citizen Corps Program Grant Resolution:

Sheriff Thomas presented the Citizen Corps Program Grant Resolution to the Board. He explained that the Resolution requests the Board to accept an already approved grant from Homeland Security and the Virginia Department of Emergency Management. The County has had the grant since 2008 and this updates the grant for the upcoming 12-month year, beginning January 1, 2010 through December 31, 2010. The grant, he said, provides the County with \$10,000, primarily used by Gene Stewart, Emergency Services Coordinator, to train and equip members of the citizen's corp. He said the citizen's corp is a group of individuals in the County who go through training to be able to respond to emergencies and disasters in assessing areas. He noted that no matching funds are required by the grant and it is administered through the Sheriff's Office.

Motion:

Supervisor Cave moved to adopt the Resolution. Supervisor Cubbage seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cubbage, Strickler, LaFrance.

* * * * *

#09-38

Governing Body Resolution

BE IT RESOLVED BY THE Page County Board of Supervisors of the County of Page

Dr. Thomas M. Cardman

Tommy R. LaFrance, Chairman,

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 15th day of December, 2009.

CERTIFICATION

I, Dr. Thomas M. Cardman, County Administrator of the Page County Board of Supervisors do hereby certify that the above is a true and correct copy of a resolution

passed and approved by the Page County Board of Supervisors of the County of Page 15th day of December, 2009.

* * * * *

Airport AWOS/Beacon Project:

Dr. Cardman explained that the County and Town of Luray authorized the AWOS and Beacon project to move forward at the airport. The project is being completed and the grants are coming in and the Town and County's share is \$2,134.42 each. The Board previously approved the project; however, no budget appropriation was made for the expenditure. If approved, he suggested the expenditure come from contingency.

Motion:

Supervisor Strickler moved to approve the County's share of the AWOS/Beacon project at the airport in the amount of \$2,134.42. Supervisor Hoke seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cubbage, Strickler, LaFrance.

Budget Changes:

Dr. Cardman reviewed the budget changes with the Board.

Motion:

Supervisor Sours moved to transfer or budget and appropriate the requested amount as detailed in the attachments to this agenda item. Supervisor Cubbage seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cubbage, Strickler, LaFrance.

Supplemental Appropriations Approved:

DEPARTMENT	DESCRIPTION	REVENUE SOURCE	EXPENDITURE	AMOUNT
Crime Prevention	Project Lifesaver	Client Maintenance Fee	Crime Prevention	\$50
Commonwealth Attorney	Additional Revenue	Asset Forfeiture	Commonwealth Attorney	\$15
Crime Prevention	New Grant Funding	Anderson Corporate Fund	Crime Prevention	\$3,500
TOTAL				\$3,565

School Board Resolution:

Dr. Cardman indicated that there was no School Board Resolution to present to the Board.

Chairman LaFrance mentioned that the Board sent a letter to the School Board requesting the use of funds from the 2008 school bond. He said he phoned School Board Chairman Randy Bailey who indicated that School Board Member Sharon Lucas made a motion to approve the Resolution, but the motion failed due to the lack of a second. Therefore, no vote was taken. He said Mr. Bailey then requested the

Resolution be placed on the agenda for the School Board organizational meeting scheduled for January 4, 2010.

Discussion of the Broadband Stimulus Grant:

Dr. Cardman mentioned that several months ago the Broadband Authority, in conjunction with the County, applied for a \$2 million broadband infrastructure grant to supply the middle mile fiber optic backbone for the County that came from the bluebird study, which was funded by the state. The County was informed by the Commerce Department that we have been selected to move to the final verification stage and he is confident we will be awarded the grant. The ultimate cost of the grant will be determined by bidding out the project to place the fiber on the poles and in the ground. The \$2 million contains approximately \$145,000 contingency that was put in by the consultants. He said the fiber network has now been extended to go from Rileyville to Shenandoah, but in the initial phase the fiber did not go to either place. When the grant was submitted, the Board agreed that the County would match 20% of the costs and at that time, the entire match was coming from a DHCD grant that was applied for in the amount of \$200,000. With the extension of the project and the in-kind services that the County is now capable of supplying, along with internal resources and assistance from local businesses, the maximum exposure if the project were to bid out at \$1.9 million for the County, would be about \$5,000. He indicated that the Board needs to recertify that the County is willing to meet the 20% match.

Motion:

Supervisor Strickler moved to affirm the Board's intention to provide a 20% match in support of the Page County Middle Mile Project. Supervisor Cubbage seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cubbage, Strickler, LaFrance.

Board and Commission Appointments:
Northwestern Community Services Board:

A letter was recently received from Northwestern Community Services informing that Louis Podrasky has only attended one Board meeting since his appointment in June 2009. They have suggested that he be removed and another person be appointed to fill his unexpired term. Northwestern has recommended that Debbie Forrest be appointed. She is a retired pediatric nurse practitioner and after speaking with her she is interested in serving.

Motion:

Supervisor Cubbage moved to remove Louis Podrasky from the Northwestern Community Services Board. Supervisor Sours seconded. The motion carried by a roll call vote of 6-0: aye: Hoke, Sours, Cave, Cubbage, Strickler, LaFrance.

Motion:

Supervisor Cubbage moved to appoint Debbie Forrest to the Northwestern Community Services Board of Directors for an unexpired term through December 31, 2010.

Supervisor Cave seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

Economic Development Authority:

Bill Turner recently resigned from the EDA as the At-Large representative. Another person needs to be appointed to fill the unexpired term to expire on January 31, 2012.

Motion:

Chairman LaFrance moved to appoint David Sours to the Economic Development Authority as the At-Large representative for an unexpired term through January 31, 2012. Supervisor Cabbage seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

Planning Commission:

The terms of Dawn Ponn (District 2), Louis Bosley (District 3), and Darrell Short (District 4) expire on January 11, 2010. In addition, Jackie Smoot (District 5) has been elected to the School Board and will be unable to continue serving on the Commission, so another person will need to be appointed to fill this unexpired term.

Motion:

Supervisor Cabbage moved to reappoint Darrell Short to the Planning Commission as the District 4 representative for a four year term beginning January 12, 2010 and expiring January 11, 2014. Supervisor Sours seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

Motion:

Supervisor Strickler moved to appoint Scott Alexander to the Planning Commission as the District 5 representative for an unexpired term through January 11, 2011. Supervisor Cabbage seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

Supervisors Sours and Cave both expressed that they would be ready to make an appointment to their respective Districts at the January 19th meeting.

CONSENT AGENDA

Motion:

Supervisor Strickler moved to approve the consent agenda as follows:

- Financial reports for the period of November 1, 2009 through November 30, 2009;
- Accounts payable checks, payroll checks, payroll direct deposits, and payroll tax related electronic fund transfers totaling \$1,162,064.20;
- Minutes of November 4, 2009 and November 17, 2009.

Supervisor Cabbage seconded. The motion carried by a roll call vote of 6-0; aye: Hoke, Sours, Cave, Cabbage, Strickler, LaFrance.

OLD BUSINESS

There was no Old Business for the Board to consider.

NEW BUSINESS

Mobile Home Assessment Changes:

Mrs. Somers explained that, currently, in the Zoning Ordinance all double wide manufactured homes placed in a residential zoned area require a permanent foundation. She proposed that all double wide manufactured homes within the County, regardless of the zoning district, be required to have a permanent foundation and converted to real estate. She reviewed the pros and cons of this with the Board. She recommended the Board forward this to the Planning Commission to review.

Charlie Campbell, Commissioner of the Revenue, mentioned that this would not change the assessment. He noted that lending institutions will not loan money for doublewides unless they are converted to real property. There are a lot of advantages of this, he said, to the individual taxpayer.

After discussion, it was the consensus of the Board to forward this matter to the Planning Commission for review.

OPEN PUBLIC COMMENTS

Doris Lansberry thanked each Board member for serving. She also thanked Chairman LaFrance for the way he conducted the meetings; they were run very professional. She reminded the upcoming Board that people want an open government where the citizens know what is going on. The citizens know the law and closed meetings are not required to be closed. If the new Board comes in willing to share and inform the people of the goals, it will be a successful Board.

John Rogerson also thanked the Board for doing a difficult job. He welcomed the new Board members and hopes they are aware of the position this County is in financially. He then wished the Board a Merry Christmas and Happy New Year.

Johnny Woodward commented that the new Board members are ready and the current Board has been open with information with the new members. He noted that the first item on the agenda for January is Project Clover. There will be an open discussion and the Board will answer questions. He then thanked the current Board members for serving and Mr. LaFrance for leading and doing a good job.

SUPERVISORS TIME

Supervisor Cubbage presented plaques of appreciation to Supervisors Hoke and Strickler and Chairman LaFrance for their service on the Board of Supervisors. He expressed his appreciation to the Board members who were leaving their seat on the Board.

Supervisor Cave thanked Supervisors Hoke and Strickler and Chairman LaFrance for serving on the Board and said they are to be commended for their work. He said Page

County has been served well by the leadership of the three members that are retiring from the Board. He indicated that he is looking forward to working with the three new Board members.

Supervisor Sours stated that in two years he has made three good friends and he is excited about making three more friends. He said the new Board will have to work together and will have to understand the importance of the future in Page County, not just the present.

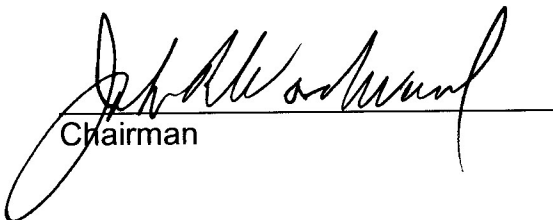
Supervisor Hoke expressed appreciation for the time he has served representing Page County. He thanked everyone for attending the meeting.

Supervisor Strickler thanked her husband for his patience while she served on the Board. She then thanked the citizens of District 5 for giving her the opportunity to serve as a Supervisor as well as the citizens of the County for attending Board meetings and serving on commissions. She also thanked the Constitutional Officers, Mark Belton, Tom Cardman, and County employees for all of their hard work. She thanked her colleagues on the Board as well as Chairman LaFrance for conducting the meetings.

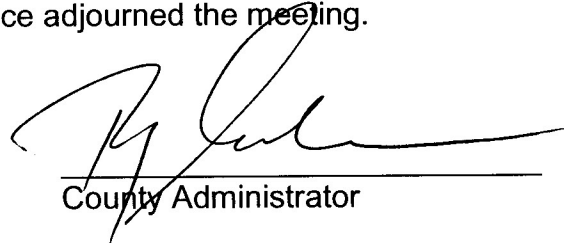
Chairman LaFrance expressed appreciation to everyone who contributed to the honor of serving on the Board. He thanked the citizens for allowing him to serve as their at-large representative for the last four years. He thanked the employees of Page County for their dedication and loyal service. He thanked his fellow Board members for their honor, respect, and dignity they gave him as the Chairman. Lastly, he addressed Supervisors Hoke and Strickler and stated that the citizens in their respective Districts will never know how well they served their interests. He asked the new Board members to move forward with their efforts in making Page County a better place to live.

Adjourn: 8:51 p.m.

With no further business, Chairman LaFrance adjourned the meeting.



Chairman



County Administrator

AN ORDINANCE TO AMEND CHAPTER 55 (FESTIVALS)

WHEREAS, by Ordinance duly adopted on February 11, 1980, the Board of Supervisors of the County of Page, acting pursuant to the authority granted by law, adopted Chapter 55, Festivals, of the Page County Code; and

WHEREAS, such Ordinance is in full force and effect on the date hereof; and

WHEREAS, upon mature consideration, the Board has determined the advisability to further amend the ordinance;

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF PAGE, VIRGINIA THAT: the following provisions of Chapter 55, Festivals, of the Page County Code be amended, as follows:

§ 55-1. Purpose.

Strike the existing language which reads: *...which consists primarily of musical rendition...*

§ 55-2. Definitions.

Strike the existing language defining "MUSICAL OR ENTERTAINMENT FESTIVAL" and replace in its stead the following:

ENTERTAINMENT FESTIVAL -- Any gathering of groups or individuals for the purpose of observing or participating in entertainment conducted in open spaces not within an enclosed structure.

§ 55-3. Permit required; application.

Strike the existing language in Subsection A which reads: *...musical or...*

§ 55-4. Conditions of issuance.

Strike the existing language in Subsection G and replace in its stead the following:

- G. A plan for adequate parking facilities, traffic control and safe access in and around the festival area approved by the Sheriff.

Strike the existing language in Subsection J and replace in its stead the following:

- J. A statement that no music or other sound shall be created, either by mechanical device or live performance, in such a manner that the sound emanating

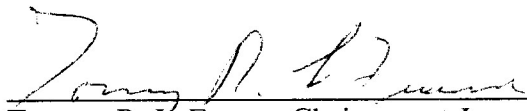
therefrom shall be unreasonably audible beyond the property on which the festival is located.

This Ordinance shall be in full force and effect from and after the passage hereof as provided by Virginia law.

Dates of Notice Publication: November 26, 2009

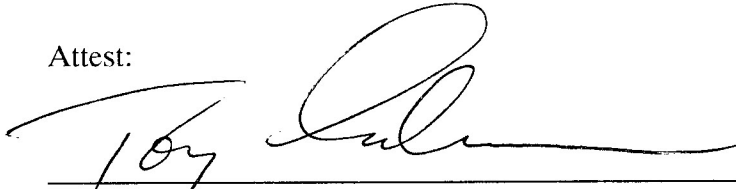
December 3, 2009

Date of Adoption of Ordinance December 15, 2009



Tommy R. LaFrance, Chairman-at-Large
Board of Supervisors of the County of Page, Virginia

Attest:



Tom M. Cardman, Clerk

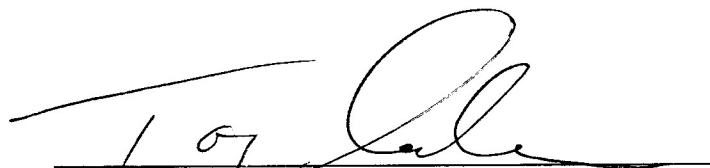
CERTIFICATE OF VOTES

The undersigned Clerk of the Board of Supervisors of Page County, Virginia, hereby certifies that the foregoing Ordinance constitutes a true and correct copy thereof adopted by the Board of Supervisors at a regular meeting duly held and called on December 15, 2009. A record of the roll-call vote by the Board of Supervisors is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Tommy R. LaFrance, Chairman-At-Large	X			
Charles Hoke	X			
Larry A. Sours	X			
J. D. Cave		X		
Gerald M. Cubbage		X		
Carol Lee Fisher-Strickler	X			

Dated: December 15, 2009

[SEAL]


Clerk, Board of Supervisors
Page County, Virginia